

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CE10996EP	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/EP2004/052008	International filing date (day/month/year) 02/09/2004	(Earliest) Priority Date (day/month/year) 28/11/2003
Applicant MOTOROLA INC		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).



- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/052008

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 H04B7/005 H04Q7/36

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/077113 A1 (ASCHERMANN BENEDIKT ET AL) 20 June 2002 (2002-06-20) paragraph '0010! - paragraph '0019! paragraph '0037! - paragraph '0052! figure 4 figures 7-9	1
X	EP 1 280 285 A (LUCENT TECHNOLOGIES INC) 29 January 2003 (2003-01-29) page 4, column 6, line 52 - page 7, column 7, line 50	1,2,4, 11,13,14
X	US 6 094 585 A (JIANG FRANCES ET AL) 25 July 2000 (2000-07-25) column 3, line 14 - column 5, line 39	1,2,4, 10,11

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

17 January 2005

Date of mailing of the international search report

25/01/2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Cabañas Prieto, A.M.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/052008

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002077113	A1	20-06-2002	US 2002077111 A1	20-06-2002
			AU 1654202 A	24-06-2002
			CN 1481622 T	10-03-2004
			EP 1342327 A2	10-09-2003
			WO 0249237 A2	20-06-2002
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EP 1280285	A	29-01-2003	US 2003022693 A1	30-01-2003
			EP 1280285 A1	29-01-2003
<hr/>				
US 6094585	A	25-07-2000	NONE	
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052008

International filing date (day/month/year)
02.09.2004

Priority date (day/month/year)
28.11.2003

International Patent Classification (IPC) or both national classification and IPC
H04B7/005, H04Q7/36

Applicant
MOTOROLA INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Cabañas Prieto, A.M.

Telephone No. +49 89 2399-7992



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2004/052008

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052008

Box No. II Priority

1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,7,9
	No: Claims	1-2,4-6,8,10-14
Inventive step (IS)	Yes: Claims	3,7,9
	No: Claims	1-2,4-6,8,10-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052008

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Reference is made to the following documents:

D1: US-A-2002077113
D2: EP-A-1280285
D3: US-A-6094585

Re Item V.

1. The document D1, which is considered to be the closest prior art, discloses a method and system for optimizing capacity of a CDMA comprising the following steps and features set out in claims **1** and **11**:

- receiving downlink power information (see Pg.1, paragraph 10 and Pg.4, paragraph 46 and Pg.5, paragraph 52 and Fig.7:200),
- modifying the received downlink power information (see Pg.2, paragraphs 16-19 and Pg.4, paragraph 46 and Pg.5, paragraph 52 and Fig.7:202),
- making a downlink radio resource management decision on the basis of the modified downlink power information (see Pg.2, paragraph 10 and Pg.4, paragraph 46 and Pg.5, paragraph 52 and Fig.7:204).

Thus, the subject-matter of claims **1** and **11** is not novel (Article 33(2) PCT).

2. D1 also discloses (see Pg.3, paragraph 38) all features of claim **10**.
3. Also documents D2 (see Pg.4, col.6, line 52 to Pg.5, col.7, line 33) and D3 (see col.3 to col.5) seem to disclose all features of claims **1** and **11**.
4. The following dependent claims do not appear to contain any additional features which, in combination with the features of **claims 1** or **11** to which they refer, could form subject matter which meets the requirements in respect of novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT), the reasons being as follows:

Claim 2: the additional feature is already known from D1 (see Pg.2, paragraph 10), D2 (see Pg.3, col.4, line 52 to Pg.4, col.5, line 27) and D3 (see col.5, lines 21-25).

Claim 4: the additional feature is already known from D2 (see Pg.3, col.4, line 52 to Pg.4, col.5, line 27) and D3 (see col.5, lines 21-25).

Claim 5: the additional feature is already known from D1 (see Pg.2, paragraphs 17-18).

Claims 6, 12: the additional feature is already known from D1 (see Pg.2, paragraph 18).

Claim 8: the additional feature is already known from D1 (see Pg.2, paragraph 17).

Claim 13: routine option.

Claim 14: the additional feature is already known from D1 (see Fig.2: RNC).

Re Item VIII. Certain observations on the international application

The following claims do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined, the reasons being as follows:

a) Claim 1:

The meaning of the sentence "downlink power information" in claim 1 is ambiguous in relation to the information stated in the description (see Pg.5, lines 10-12 and Pg.6, line 18 to Pg.7, line 10) because "downlink power information" has a different specific meaning for the person skilled in the power control field, rendering therefore the scope of the claim unclear. Thus, for the purpose of examination, it is assumed that this sentence should actually read "**required downlink transmission power**".

b) Claim 10:

Product claim 10 is not clear, because the claim refers back also to method claims 1-10.

c) Claim 11:

It appears that the independent product claim 11 corresponding to the independent method claim 1 does not contain a technical feature equivalent to the method step "receiving downlink power information".

Re Item VII. Certain defects in the international application

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/052008

1. Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
2. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
3. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in documents D1 to D3 is not mentioned in the description, nor are these documents identified therein.